

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4285 of 2021

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Dharmendra Kumar son of Sahdeo Prasad resident of village - Sarwadi pur,
P.O. - Lidipur, P.S. - Paraiya, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Chair man, Bihar Public Service Commission, Patna.
3. The Joint Secretary-cum- Examination Controller, Bihar Public Service Commission, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Saxena, Advocate
For the Respondent/s	:	Mr. SC-8
For the B.P.S.C.	:	Mr. Lalit Kishore, Sr. Advocate
		Mr. Sanjay Pandey, Advocate
		Mr. Nishant Kumar Jha, Advocate
		Mr. Prabhakar Pahepuri, Advocate

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA

ORAL ORDER

6 13-03-2026 Heard learned counsel for the parties.

2. This writ petition has been filed by the petitioner seeking a direction to the respondent authorities to award appropriate marks for the answer stated to have correctly given by the petitioner in his answer book, which the respondent authorities have not done so in an examination conducted by the respondent-BPSC pursuant to advertisement no. 87/2014 for the post of Assistant Director, Bihar Agriculture Service Category-2



(Agriculture Engineering).

3. The grievance of the petitioner, as can be gathered from the writ petition as stated in paragraph no.11, is that the petitioner has correctly given the answer to the questions such as **‘where is the Balmiki Tiger Reserved; who is known by little corporal and which state are beneficiary of Rihand Plan’**. According to the petitioner, the petitioner has given the correct answer to the aforementioned questions, but the respondents-BPSC have given lesser marks.

4. The petitioner further states that pursuant to aforementioned advertisement no. 87/2014, the petitioner had appeared in the written examination on 08.12.2017 to 10.12.2017 under Roll No. 870551, the result of which was published on 14.03.2019, where he was declared successful. The petitioner was later called for an interview, which was conducted on 26.04.2019, in which the petitioner appeared and final result of selection was published by the respondent-BPSC on 11.05.2019. The petitioner, however, was not selected.

5. It is under the aforesaid circumstances, the petitioner has filed this writ petition contending that had the petitioner been awarded appropriate/adequate marks by the respondent- BPSC for the answer given to the aforementioned three



questions, as mentioned in paragraph no.11 of the writ petition, the petitioner could have been a successful candidate in the final result published by the respondent-BPSC on 11.05.2019 for the post of Assistant Director, Bihar Agriculture Service Category-2 (Agriculture Engineering) pursuant to advertisement no. 87/2014.

6. It, thus, is evident from the case projected by the petitioner himself that the result of the selection pursuant to the advertisement no. 87/2014 by the BPSC was published as far back as on 11.05.2019. Accordingly, pursuant to the result dated 11.05.2019, all the posts of Assistant Director, Bihar Agriculture Service Category-2 (Agriculture Engineering) advertised vide advertisement no. 87/2014 must have been filled up by now. The petitioner has not indicated in any manner in the writ petition that any of the posts advertised by the respondent BPSC vide advertisement no. 87/2014 has remained unfilled and the same is still lying vacant. Nor the petitioner has impleaded any of the selected candidates by the BPSC vide result dated 11.05.2019 as a party respondent for the purpose of making place for the petitioner in the event the petitioner succeeds in the writ petition and thereby to enable the authorities to appoint the petitioner in one of the posts of Assistant Director, Bihar



Agriculture Service Category-2 (Agriculture Engineering) pursuant to selection held in terms of advertisement no. 87/2014.

7. In both the circumstances highlighted hereinabove, even if the issue raised by the petitioner in this writ petition that the petitioner has correctly answered the aforementioned three questions as mentioned in paragraph no. 11 of the writ petition, is found to be tenable in law and accordingly the respondent authorities are held liable to be directed to award appropriate/adequate marks on the answers given by the petitioner to the aforementioned three questions, no relief, as sought for by the petitioner to appoint him as Assistant Director, Bihar Agriculture Service Category-2 (Agriculture Engineering) can be given pursuant to advertisement no. 87/2014 for want of indication by the petitioner that any of the post(s) advertised vide advertisement no. 87/2014 is/are still lying vacant and unfilled; and for want of impleading the last selected candidate as Assistant Director, Bihar Agriculture Service Category-2 (Agriculture Engineering) vide result dated 11.05.2019 for making a place for the petitioner. It is so for the reason that neither there can be any appointment beyond the post(s) advertised, nor any appointment(s) can be made on a



vacancy(ies) which have occurred subsequent to the advertisement.

8. The petitioner has failed to indicate both the circumstances as discussed above.

9. The writ petition, accordingly, fails and is dismissed.

(Nani Tagia, J)

Amrendra/-

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